

Liman NYSD Chambers

From: Chester Stojanovic <admin@phoenixdatas.com>
Sent: Monday, April 11, 2022 10:03 AM
To: Liman NYSD Chambers
Subject: Re: 20cv4448 Holmes et al v. Chet Mining Co, LLC et al

CAUTION - EXTERNAL:

Your honor, Judge Lyman,

I regret to inform you that today I was unable to have my legal counselor who are engaged last week to represent me in these matters appear today as a serious medical emergency to the referral provided to me prevented him from showing up in person. Hi to dealing with my disability which is preventing me from coming in representing myself without counsel. I have a very serious conditions that impede my speech, Ability to mobile, And prevent me from traveling short or long distances. As this development happened over the weekend and I don't have the full details of what happened to my counselor I am working with LegalShield, JMJB, And I have a center to get 20 other law firms last minute to fill-in for a referral who was unable to arrive due to medical emergency at the current time I am unsure to the specifics of the counselors condition or even if their still alive. I don't know this Counselor, only that the referral which I know you had recommended that I seek adequate counsel to address these hearings properly.

I sincerely hope that we can have a continuance today so that I am properly represented and a referral for my counselors who will take their place will be giving ample time to respond and Provide the necessary counsel and representation for such an important hearing. I didn't know how to reach you until I called early this morning. I am doing everything I can but as As an John Harwick is aware my neuromuscular disorders and autoimmune disorders i struggle with impede my ability to Properly communicate, verbally that is, can impede my cognitive function and ability at times and are very serious. I know the ADA may not have any effect or bearing find a decision to change the date and time as I wouldn't be able to properly or physically make such a journey and was hoping that my attorney would be able to arrive in my stead.

The lasts deposition nearly caused me to lose motor function due to the 6 1/2 hour journey I had to make to be there in person for the recording which I was an hour early for. I hope that we are able to reschedule to today's hearing, That my lawyers are able to provide the necessary support counsel and procedurally provided the necessary actions show that I am going to be represented now. While I'm still working on this, and I thought I could get somebody in light of this incredibly unfortunate situation for my representation I was referred to. I have been assured that legal shield a coverage I have can provide necessary counsel for hearing but will need additional time for a new referral as I've also contacted literally 20 other law firms this weekend I'm sure I can find a counselor at a later date and make sure that the appropriate representation is present to provide everything needed and required by the court. As well as any updated documentation that may be relevant to John harwick and his clients for the answers or evolving information as I am persistently and with humility and doing my best to provide complete transparency else Paul and any documents he may need or answers.

I have not brought up this issue with my disability Prior to this point as it's been a matter of public record which my disability has implications beyond HIPAA or any other personal basis. I know that it is imperative that these proceedings move forward promptly and I have taken yes proceeding very seriously and done my best between places to adhere to every aspect of the court orders. Unfortunately I don't have the necessary support mechanisms for transportation and medical assistance at this time. It's also been very difficult to get the necessary treatment that I need as there are very few ways to treat neuromuscular muscle dystrophy and vanishing white matter issues.

As I had said before we had a settlement agreement and I never expected to be given notice that a motion for contempt should be filed as we were in agreement that no such further action will take place but even though John and his clients have confirmed that the terms of the settlement are satisfactory for some reason beyond my understanding the motion has an electron as they don't want to turn a copy over of the agreement and allow for stipulations covered in the agreement to execute the settlement so this matter coming for behind all of us. I know that this may not legally hold any ground for a continuance.

I humbly request that were able to have a continuance so proper counsel convey there to represent me and hopefully cooler heads will prevail and the motion will be withdrawn and the settlement completed with the stipulations.

We have done everything we can and while I didn't expect the referral I was given to not be able to be there in my stead. I was hoping that we could perhaps reschedule the hearing for a time to where we could respond and I could effectively resolve this matter hopefully even before the need for that continuous date in the future. I know that I will be able to provide or my counselor will be able to inform the court of the engagement of the services and representing me fairly quickly. As I've been working on this and finally found a solution where I could have the adequate representation which should be able to also support me physically and with my limitations.

I humbly ask that we are able to continue this hearing for a later date so that I can be there or a represented properly by my much needed counselor's especially Because of my limitations. I had expected to also be closer to Manhattan during these hearings but it is a six hour commute minimum for me to reach Manhattan now and is on safe for me to make that commute through the night and frankly The cost of doing this over a couple days also is great to me physically and financially.

On Mon, Apr 11, 2022 at 9:38 AM Liman NYSD Chambers <LimanNYSDChambers@nysd.uscourts.gov> wrote:

Good morning,

Please see the attached Order. It will be filed on the docket in due course.

Best,

Chambers of the Hon. Lewis J. Liman

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